IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 565 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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KARANSINH BABULAL

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 565 of 2001

MR JV JAPEE for Petitioner No. 1

MS. BINODA GAJJAR APP for Respondent No. 1

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 27/08/2001

ORAL JUDGEMENT

1. Rule. Ms. Binoda Gajjar, learned APP appears and waives the service of notice of rule on behalf of the respondent - State.

2. By means of filing this petition, petitioner has prayed to quash and set aside the condition imposed on him to furnish bank guarantee to the tune of Rs.4 lacs while returning the truck bearing registration No. HR-07-A-1559 in the order dated April 3, 2001 passed in

Criminal Revision Application No. 24 of 2001 by learned Additional Sessions Judge, Sabarkantha, camp at Modasa.

3. Having heard Mr. Japee, learned advocate for the petitioner and Ms. Gajjar, learned APP for the State and having perusal of the averments made in the petition as well as the order dated April 3, 2001 passed by the learned Additional Sessions Judge, Sabarkantha, Camp at Modasa in Criminal Revision Application No. 24 of 2001, it appears that in the facts and circumstances of the case the condition imposed on the petitioner to furnish bank guarantee to the tune of Rs.4 lacs is harsh. Hence, I am of the view that instead of asking the petitioner to furnish bank guarantee to the tune of Rs.4 lacs if he is ordered to furnish solvent surety of Rs.4 lacs and personal bond of the like amount while releasing the truck, it would meet the ends of justice.

4. For the foregoing reasons, the petition succeeds and accordingly it is allowed. The order dated April 3, 2001 passed by the learned Additional Sessions Judge, Sabarkantha, Camp at Modasa in Criminal Revision Application No. 24 of 2001 is modified and the petitioner is now directed to furnish solvent surety of Rs.4 lacs and a personal bond of the like amount instead of furnishing bank guarantee for Rs.4 lacs as ordered by the learned Additional Sessions Judge. Rest of the conditions of the order passed by the learned Additional Sessions Judge shall remain same. Rule is made absolute to the aforesaid extent. Direct service is permitted.

27.8.2001. (A.M. Kapadia, J.)

(karan)